THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19971 of 2006

Dated: 23-10-2006

Between:

Gaddamidi Kistaiah and another.

..... PETITIONERS

AND

The Joint Collector, Ranga Reddy District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.19971 of 2006

ORDER:

The two petitioners filed an application before respondent No.2, namely, the Revenue Divisional Officer (RDO), East Division, Ragna Reddy District, under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) for grant of Occupancy Rights Certificate (ORC) alleging that they purchased land admeasuring Acs.2.20 guntas in survey No.147 and Ac.1.00 in survey No.149 situated at Thummalur Village, Maheshwaram Mandal in Ranga Reddy District. They also produced an unregistered sale deed and claimed that they are in possession of the land. Allegedly respondent No.2 refused to consider the said document. In this writ petition, the petitioners seek a Mandamus directing respondent No.2 to receive the unregistered document while considering the application for grant of ORC.

There cannot be any denied that under Section 5 A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act), a person in occupation of land by reason of an unregistered transaction can seek validation/regularization of such possession. The petitioners admittedly did not obtain any such orders under Section 5 A of the Act from the competent Mandal Revenue Officer (MRO). Therefore, unregistered sale deed presented by the petitioners cannot be received by RDO while exercising powers under Section 10 of the Act having regard to Section 49 of the Registration Act, 1908. If a Mandamus is issued now, it would amount to directing respondent No.2 to act contrary to Law. Therefore, such a Mandamus cannot be issued.

The writ petition is accordingly dismissed. No costs.

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V.V.S.RAO, J

23rd October, 2006
ghn